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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/738,419	BOCCON-GIBOD ET AL.
	Examiner	Art Unit	
	CHRIS PARRY	2421	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 August 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _2-9,11-16,18-25 and 27-46_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _2-9,11-16,18-25 and 27-46_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14

August 2009 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 2-9, 11-16, 18-25, and 27-46 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3.   Claim 46 objected to because of the following informalities: On line 4 of Claim

46, "program in program" should be --program in progress--. Appropriate correction is

required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

6.   Claim 30 recites the limitation "system of claim 30" in line 1 of the claim. There is

insufficient antecedent basis for this limitation in the claim. For the purposes of

examination, the examiner will assume claim 30 is a dependent of claim 29.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 22-24 are rejected under 35 U.S.C. 101 as not falling within one of the

four statutory categories of invention. While the claims recite a series of steps or acts to

be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another

statutory category (such as a particular apparatus), or (2) transform underlying subject

matter (such as an article or material) to a different state or thing (Reference the May

15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy,

John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant

claims neither transform underlying subject matter nor positively tie to another statutory

category that accomplishes the claimed method steps, and therefore do not qualify as a

statutory process.

For example, the step of buffering could be done manually by a person using a

personal video recorder (PVR), tuning the PVR to a channel another person might be

interested in and changing the channel and terminating buffering of the program if it is

determined the other person has no interest in the program.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

9.   Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Poslinski et al. "Poslinski" (US 2005/0044570 A1).

        Regarding Claim 19, Poslinski discloses a method for predictive buffering of

programs (¶ 0042) in a media recorder (130 – figure 1A), the method comprising the

steps of:

        receiving a first signal (i.e., FVC 154) containing a first set of television programs

at a first receiving subsystem (tuner 174 – fig. 3A) (¶ 0047 and 0057);

        receiving a second signal (i.e., NFC 151) containing a second set of television

programs at a second receiving subsystem (tuner 171 – fig. 3A) (¶ 0046-0047 and

0057);

        buffering at least a portion of one program from the first set of television

programs (i.e., spare tuners within the pool of tuners 170 can be used to buffer

programs on the user's favorite channels; ¶ 0040 and 0047) while presenting at least

one program from the second set of television programs (i.e., tuner 171 can be used by

the user to view a program on a non-favorite channel; ¶ 0047), wherein said buffering is

initiated in a selected time slot (i.e., when a tuner becomes available, such as when a

tuner becomes free after a recording has completed; ¶ 0047 and 0056) and is

terminated if a user does not start watching said one program with a predetermined

interval (i.e., if a user does not start watching a program within 30 minutes or requests

to view a NFC that is not currently assigned a tuner, the buffering of a portion of one

program may be stopped due to time or priority) (¶ 0049-0053 and 0065).

As for Claim 20, Poslinski teaches wherein selection of the at least one program

from the first set of television programs is based on a predictive process (i.e., favorite

channels may be determined automatically by monitoring viewing habits of the viewer)

(¶ 0044-0045).

As for Claim 21, Poslinski teaches wherein selection of the at least one program

from the first set of television programs is based on input from the user (i.e., user

switches from viewing one favorite channel to another channel) (¶ 0047-0050).

10.   Claims 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kaminski et al. "Kaminski" (USPN 7,512,315 B2).

Regarding Claim 43, Kaminski teaches in a system (fig. 1) for distributing content from a content provider (110 – fig. 1) to a plurality of viewers, each viewer having a content presentation device (200 – fig. 1), a method comprising:

transmitting a program having a program duration to a plurality of content presentation devices (Col. 3, lines 34-58);

determining by said system if a particular viewer is starting to watch said program after the program has started (i.e., does user select program from BPL screen 1300 to playback) (Col. 16, lines 42-66); and

if a particular viewer starts watching said program late, presenting said program to said viewer from its beginning (i.e., a user can select a program to playback from BPL screen 1300 and using trick mode operations on the selected program to playback the program from any desired point including the beginning) (Col. 16, lines 42-66; Col. 11, lines 40-52 and Col. 3, lines 9-14).

As for Claim 44, Kaminski discloses wherein the system further comprises a recording device (273 – fig. 2) selectively recording programs (Col. 4, lines 35-55) further comprising monitoring the presentation device associated with the particular user when the respective recording device has not been set to record said program (Col. 16, lines 17-41), said monitoring being performed to detect when said particular viewer starts watching the program (Col. 14, lines 3-18 and Col. 16, lines 42-66).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 11, 12, and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Poslinski et al. "Poslinski" (US 2005/0044570 A1) in view of Kaminski

et al. "Kaminski" (USPN 7,512,315 B2).

        Regarding Claim 11, Poslinski discloses in a system (fig. 1A) for distributing

content to users over channels, said system including a microprocessor (182 – fig. 1A)

and a buffer (180 – fig. 1A) for selectively storing content shown on a channel (¶ 0030-

0031), a method for buffering in a media presentation device (130 – fig. 1A), the method

comprising the steps of:

        determining by the microprocessor [182], that at least one channel of interest to a

user within a previous time slot (i.e., a favorite channel, such as the most recently tuned

channel), wherein said channel has not been preselected by the user for recording for

said previous time slot (i.e., user was watching channel Y and switches to favorite

channel 2) (see steps 402 and 406 in fig. 4A; ¶ 0031, 0058, & 0061); and

        buffering a portion of a program on said channel (i.e., channel Y) during a

corresponding later time slot for a first time period (i.e., 30 minutes or less; ¶ 0051-

0053), said first time period being shorter than the duration of said time slot (i.e., when the user switches from channel Y to favorite channel 2, the data that represents the programs on channel Y continues to be cached in buffer 180) (box 406 – fig. 4A; ¶ 0061).

Poslinski fails to disclose detecting by said processor if a user starts watching said channel on said presentation device within said first time period.

In an analogous art, Kaminski discloses detecting by said processor (i.e., processor 244 executes the PVR application 277 stored in system memory 249; Col. 9, lines 65-67) if a user starts watching said channel on said presentation device (200 – fig. 2) within said first time period (i.e., a user choose to play or record a title from the buffered program list) (Col. 10, lines 9-44; Col. 13, line 65 to Col. 14, line 24; and Col. 16, lines 42-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski to include detecting by said processor if a user starts watching said channel on said presentation device within said first time period as taught by Kaminski for the benefit of allowing a viewer to manage one or more time-shift buffers by facilitating allowing the viewer to designate whether buffered video presentations corresponding to previously displayed television channels should be accessible after a change in television channels (Kaminski: Col. 1, line 48 to Col. 2, line 3).

As for Claim 12, Poslinski and Kaminski disclose, in particular Kaminski teaches wherein the step of determining said one channel is based on a list of channels most recently viewed by the user (Col. 13, lines 18-34).

As for Claim 18, Poslinski and Kaminski disclose, in particular Poslinski teaches wherein the buffering of the portion of a program on said channel continues until a channel of higher interest is found, after which the buffering commences of a portion of a program on said channel of higher interest (¶ 0047 and 0059-0060).

13.   Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (USPN 7,093,273 B2) in view of Kaminski.

As for Claim 22, Marsh discloses a method for buffering in a media recorder (104 – figs. 2-3), the method comprising the steps of:

identifying a program of interest to a user (i.e., utilizing EPG database 112, intelligent content agent 108 identifies candidate programs using viewer profile 114), said program having a first duration (i.e., first duration equals length of program) (Col. 5, lines 17-27 and Col. 6, lines 55-48); and

buffering (i.e., using FIFO buffer 118) said program for a second duration that is shorter than said first duration (i.e., determine if program matches the viewer profile by monitoring the closed caption of the program before program ends), by starting said buffering at the beginning of a predetermined time slot (i.e., buffer 118 utilizes EPG

database 112 to determine when to begin buffering of candidate program) and ending

said buffering at the end of said second duration (Col. 7, lines 29-48).

Marsh discloses buffering a list of candidate programs but fails to disclose ending

said buffering at the end of said second duration unless a user starts watching said

program.

In an analogous art, Kaminski discloses ending said buffering at the end of said

second duration unless a user starts watching said program (i.e., a user may request to

play or record the selected buffered video presentation) (Col. 10, lines 9-44; Col. 14,

lines 9-14; and Col. 16, lines 49-66). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Marsh to include

ending said buffering at the end of said second duration unless a user starts watching

said program as taught by Kaminski for the benefit of allowing a viewer to manage one

or more time-shift buffers by facilitating allowing the viewer to designate whether

buffered video presentations corresponding to previously displayed television channels

should be accessible after a change in television channels (Kaminski: Col. 1, line 48 to

Col. 2, line 3).

As for Claim 23, Marsh and Kaminski disclose, in particular Kaminski teaches the

method of claim 22 further comprising sensing that the user has started to watch said

program (i.e., user requests to play back a program from the buffered program list), and

in response, continuing to buffer a current portion of the program as the user is

watching a previously buffered portion of the program (Col. 16, lines 49-66 and Col. 14,

lines 9-14).

As for Claim 24, Marsh and Kaminski disclose, in particular Marsh teaches the

method of claim 22 further comprising identifying a second program and buffering said

second program at the end of said second duration (Col. 5, lines 17-27 & Col. 6, lines

48-55).

14.   Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marsh in view of Poslinski.

        Regarding Claim 25, Marsh discloses a system (figure 3) for predictive buffering

in a media recorder (104 - figs. 2-3), the system comprising:

        a predictive program selection subsystem (108 – figure 3; Col. 5, lines 17-20),

wherein the predictive program selection subsystem selects at least one program of

interest to a user without receiving a command from the user to buffer said program

(Col. 5, lines 17-27 and Col. 6, lines 55-48);

        a buffering subsystem (118 – figure 3; Col. 6, lines 30-41) that buffers a portion

of said one program when the program is not watched by a user, said buffering system

being adapted to selectively terminate said buffering (i.e., agent 108 determines if a

candidate program matches the viewer profile by monitoring the closed caption of the

program and if not agent 108 ends the buffering before the program finishes) (Col. 7,

lines 29-48).

Marsh discloses buffering a list of candidate programs but fails to disclose when the program is not watched by a user, said buffering system being adapted to selectively terminate said buffering if a user does not start watching said program within a predetermined time period.

In an analogous art, Poslinski discloses a buffering subsystem (180 – fig. 3A) that buffers a portion of said one program when the program is not watched by a user (¶ 0040 and 0047), said buffering system being adapted to selectively terminate said buffering if a user does not start watching said program within a predetermined time period (i.e., if a user does not start watching a program within 30 minutes or requests to view a NFC that is not currently assigned a tuner, the buffering of a portion of one program may be stopped due to time or priority) (¶ 0049-0053 and 0065). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsh to include when the program is not watched by a user, said buffering system being adapted to selectively terminate said buffering if a user does not start watching said program within a predetermined time period as taught by Poslinski for the benefit of allowing a viewer to re-watch portions of programs from more than one channel simultaneously (Poslinski: ¶ 0008).

15.   Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. "Williams" (USPN 5,977,964) in view of Poslinski.

Regarding Claim 27, Williams discloses a system (100 – figure 1) for predictive buffering in a media recorder, the system comprising:

a predictive channel selection subsystem (104 - figure 1; Col. 3, lines 6-38) that selects at least one channel of interest to a user, said channel showing a program having a program duration (Col. 8, lines 41-46; Col. 8, line 59 to Col. 9, line 4, and Col. 13; lines 4-46);

a buffering subsystem (106 – figure 1; Col. 3, lines 50-52) that buffers said one channel for a buffering duration (Col. 13, lines 49-62 and Col. 17, lines 7-33).

Williams teaches that although the system can prompt the user to record a program that matches the user's interests, it may also automatically record the program on the user's behalf. However, Williams fails to specifically disclose a buffering subsystem that buffers said one channel for a buffering duration shorter than said program duration if the user does not start watching said channel during said buffering duration.

In an analogous art, Poslinski teaches a system for predictive buffering in a media recorder (100 – fig. 1A), the system comprising: a buffering subsystem (180 – fig. 1A) that buffers said one channel for a buffering duration (i.e., 30 minutes) shorter than said program duration if the user does not start watching said channel during said buffering duration (i.e., if a user does not start watching a program within 30 minutes or requests to view a NFC that is not currently assigned a tuner, the buffering of a portion of one program may be stopped due to time or priority) (¶ 0040, 0047, 0049-0053 and 0065). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Williams to include a buffering subsystem that buffers said one channel for a buffering duration shorter than said

program duration if the user does not start watching said channel during said buffering duration as taught by Poslinski for the benefit of allowing a viewer to re-watch portions of programs from more than one channel simultaneously (Poslinski: ¶ 0008).

As for Claim 28, Williams and Poslinski disclose, in particular Williams teaches the system of claim 27, further comprising: a user identifying subsystem that identifies a watching user (Col. 9, line 18 to Col. 10, line 39).

As for Claim 29, Williams and Poslinski disclose, in particular Williams teaches wherein said channel selection system [104] selects said channel of interest from a time slot on a grid listing a plurality of time slots corresponding to channels during an extended time period (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 30, Williams and Poslinski disclose, in particular Williams teaches wherein said grid covers a week (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 31, Williams and Poslinski disclose, in particular Williams teaches wherein said one channel is selected based on what the viewer has been watching in the past (Col. 12, line 52 to Col. 13, line 25).

16.   Claims 2-4, 32, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Kaminski.

Regarding Claim 32, Williams discloses in a content distribution system (fig. 1) in which program a provided to various users, a method of time shifting a program comprising:

using a processor (104 – fig. 1) to determine if at least one program being distributed in the system [fig. 1] is of interest to a user (i.e., system controller 104 searches the user's behavior log to identify channels of interest during specific time periods) (Col. 8, lines 41-46; Col. 8, line 59 to Col. 9, line 4, and Col. 13, lines 4-46);

starting to buffer said one program if said processor [104] determines that said program is of interest to a user (Col. 13, lines 49-62 and Col. 17, lines 7-33).

Williams teaches the system controller determines whether a program of interest, a program normally recorded by the user, is scheduled to be recorded at a specific time slot on a certain day of the week, and if the system controller determines the program is not scheduled to be recorded, the system controller automatically buffers the program for the user. However, Williams fails to specifically disclose monitoring a program presenting apparatus to determine if the user starts watching said one program after said buffering has started; and causing said program presenting apparatus to show said program for its starting point if it is determined that the user has started watching the program after said buffering has started.

In an analogous art, Kaminski discloses in a content distribution system (fig. 1) in which program are provided to various users, a method of time shifting comprising:

monitoring a program presenting apparatus (200 – fig. 2) to determine if the user starts watching said one program after said buffering has started (i.e., DHCT 200

monitors whether a user selects a program from BPL screen 1300 and selects to play

back the selected presentation) (Col. 16, lines 42-66); and

causing said program presenting apparatus to show said program for its starting

point if it is determined that the user has started watching the program after said

buffering has started (i.e., a user can select a program to playback from BPL screen

1300 and using trick mode operations on the selected program to playback the program

from any desired point) (Col. 16, lines 42-66; Col. 11, lines 40-52 and Col. 3, lines 9-14).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Williams to include monitoring a

program presenting apparatus to determine if the user starts watching said one program

after said buffering has started; and causing said program presenting apparatus to show

said program for its starting point if it is determined that the user has started watching

the program after said buffering has started as taught by Kaminski for the benefit of

allowing a viewer to manage one or more time-shift buffers by facilitating allowing the

viewer to designate whether buffered video presentations corresponding to previously

displayed television channels should be accessible after a change in television channels

(Kaminski: Col. 1, line 48 to Col. 2, line 3).

As for Claim 2, Williams and Kaminski disclose, in particular Williams teaches

determining by said processor for said one program to be buffered is a predictive

process based on a frequency measure of previously watched programs (Col. 6, line 63

to Col. 7, line 2). Williams discloses a user profile database 800 which is used to store

user preference information such as user preferred channels, favorite programs, and preferred watching periods (Col. 5, lines 52-64).

As for Claim 3, Williams and Kaminski disclose, in particular Williams teaches wherein the step of determining said one program of interest is a predictive process based on specific programs watched (i.e., top ten favorite shows) (Col. 6, line 63 to Col. 7, line 2).

As for Claim 4, Williams and Kaminski disclose, in particular Williams teaches wherein the step of determining said one program of interest is a predictive process based on the genre of programs watched (i.e., favorite genres) (Col. 5, line 52 to Col. 6, line 24 and Col. 6, line 63 to Col. 7, line 2).

As for Claim 37, Williams and Kaminski disclose, in particular Kaminski teaches wherein said step buffering said program is performed using a personal video recorder (Col. 4, lines 35-55).

As for Claim 38, Williams and Kaminski disclose, in particular Kaminski teaches wherein said monitoring is performed by said personal video recorder (Col. 4, lines 35-55).

As for Claim 39, Williams and Kaminski disclose, in particular Kaminski teaches wherein said program is buffered for a predetermined duration (i.e., the user can establish the size of the TSB) (Col. 11, line 53 to Col. 12, line 33).

As for Claim 40, Williams and Kaminski disclose, in particular Kaminski teaches wherein said program has a program duration (i.e., 1 hr) and said predetermined duration (i.e., 30 minutes) is shorter than said program duration (Col. 15, lines 41-54).

17.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Kaminski as applied to claim 32 above, and further in view of Finseth et al. "Finseth" (USPN 6,813,775 B1).

As for Claim 5, Williams and Kaminski are silent on disclosing wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users.

In an analogous art, Finseth discloses wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users of the system (i.e., the Father 112A can recommend a program to the Mother 112B, the Sister 112C and the Brother 112D or "users of the system") (Col. 12, lines 8-17; Col. 13, lines 35-48; & Col. 14, lines 50-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Kaminski to include wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users of the system as

taught by Finseth for the benefit of allowing a user of the system to tell another user of
the system about a specific television program.

18.   Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Williams in view of Kaminski and further in view of Finseth as applied to claim 5 above,
and further in view of Ismail et al. "Ismail" (USPN 7,146,627).

        As for Claims 6 and 8, Williams, Kaminski, and Finseth are silent on disclosing
wherein the recommendations of other users are extracted from Web Log entries and
online reviews.

        In an analogous art, Ismail discloses wherein the recommendations of other
users are extracted by the processor from Web Log entries and online reviews (Col. 20,
lines 46-59). Therefore, it would have been obvious to one of ordinary skill in the art at
the time the invention was made to modify the method of Williams, Kaminski, and
Finseth to include wherein the recommendations of other users are extracted from Web
Log entries as taught by Ismail for the benefit of gathering more user preferences from
other sources.

19.   Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Williams in view of Kaminski and further in view of Finseth as applied to claim 5 above,
and further in view of Abramson (US 2005/0034151 A1).

As for Claims 7 and 9, Williams, Kaminski, and Finseth fail to disclose wherein the recommendations of other users are extracted by the processor from one or more messages from an instant messaging service or email messages.

In an analogous art, Abramson disclose wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email messages (¶ 0056). By disclosing uses can send recommendations by email or instant message, Abramson teaches recommendations from other users are extracted from an instant message or email message. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams, Kaminski, and Finseth to include wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email as taught by Abramson for the benefit of collecting more information regarding upcoming programs.

20.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poslinski in view of Kaminski as applied to claim 11 above, and further in view of Sezan.

As for Claim 16, Poslinski and Kaminski fail to disclose wherein the step of determining said channel is a predictive process based on recommendations.

In an analogous art, Sezan teaches wherein the step of determining said channel is a predictive process based on recommendations (i.e. reviews by Siskel and Ebert) (¶ 246). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski and Kaminski to include wherein the step of

determining said channel is a predictive process based on recommendations as taught

by Sezan for the benefit of filtering program descriptions based on reviews and

recommendations of a program of interest.

21.   Claims 13-15, 35, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Poslinski in view of Kaminski as applied to claim 11 above, and

further in view of Williams.

        As for Claim 13, Poslinski and Kaminski fail to disclose wherein the step of

determining said one channel is based on a frequency measure of channels watched

within the same timeslot of a previous day

        In an analogous art, Williams teaches wherein the step of determining said one

channel is based on a frequency measure of channels watched within the same timeslot

of a previous day (Col. 13, lines 13-19). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Poslinski and

Kaminski to include wherein the step of determining said one channel is based on a

frequency measure of channels watched within the same timeslot of a previous day as

taught by Williams for the benefit of automatically configuring a system based on a

user's monitored system interaction and preferred system access times (Williams: Col.

2, lines 6-8).

As for Claim 14, Poslinski and Kaminski fail to disclose wherein the step of determining said channel is a predictive process based on a frequency measure of channels watched within the same timeslot of a previous week.

In an analogous art, Williams teaches wherein the step of determining said channel is a predictive process based on a frequency measure of channels watched within the same timeslot of a previous week (Col. 13, lines 13-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski and Kaminski to include wherein the step of determining said channel is a predictive process based on a frequency measure of channels watched within the same timeslot of a previous week as taught by Williams for the benefit of automatically configuring a system based on a user's monitored system interaction and preferred system access times (Williams: Col. 2, lines 6-8).

As for Claim 15, Poslinski and Kaminski fail to disclose wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously watched.

In an analogous art, Williams teaches wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously watched (Col. 6, line 63 to Col. 7, line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Poslinski and Kaminski to include wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously

watched as taught by Williams for the benefit of automatically configuring a system
based on a user's monitored system interaction and preferred system access times
(Williams: Col. 2, lines 6-8).

As for Claim 35, Poslinski and Kaminski fail to disclose wherein said timeslot is
selected from a grid defining programs over an extended time period on different
channels.

In an analogous art, Williams teaches wherein said timeslot is selected from a
grid defining programs over an extended time period on different channels (figure 9;
Col. 8, line 41 to Col. 9, line 10). Therefore, it would have been obvious to one of
ordinary skill in the art at the time the invention was made to modify Poslinski and
Kaminski to include wherein said timeslot is selected from a grid defining programs over
an extended time period on different channels as taught by Williams for the benefit of
automatically configuring a system based on a user's monitored system interaction and
preferred system access times (Williams: Col. 2, lines 6-8).

As for Claim 36, Poslinski, Kaminski, and Williams disclose, in particular Williams
teaches wherein said grid is a weekly grid and said timeslot defines a program
distributed at a particular day, time, and channel (fig. 9; Col. 8, line 41 to Col. 9, line 10).

22.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams

in view of Kaminski as applied to claim 32 above, and further in view of Sezan et al.

"Sezan" (US Pub. No. 2004/0268389 A1).

As for Claim 33, Williams and Kaminski fail to specifically disclose the method of

claim 32 further comprising receiving an indication that said user has started watching

said one program and presenting said one program to the user from its beginning while

said one program is being buffered, whereby the user can watch said one program from

its beginning to its end.

In an analogous art, Sezan discloses receiving an indication that said user has

started watching said one program and presenting said one program to the user from its

beginning while said one program is being buffered, whereby the user can watch said

one program from its beginning to its end (¶ 0056). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the method of Williams and Kaminski to include receiving an indication that said user

has started watching said one program and presenting said one program to the user

from its beginning while said one program is being buffered, whereby the user can

watch said one program from its beginning to its end as taught by Sezan for the benefit

of ensuring a user can view a program in its entirety even if the user is late and has

missed the first portion of the program by restarting the program from the beginning.

23.   Claims 34, 41, and 42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Williams in view of Kaminski as applied to claim 32 above, and

further in view of McElhatten et al. "McElhatten" (USPN 7,174,126 B2).

As for Claim 34, Williams and Kaminski fail to specifically disclose the method of

claim 32 further comprising receiving a command from the user to start the presentation

of said one program from its beginning.

In an analogous art, McElhatten discloses receiving a command from the user to

start the presentation of said one program from its beginning (i.e., selection restart

option 1921 in fig. 31) (Col. 32, lines 42-61). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Williams and

Kaminski to include receiving a command from the user to start the presentation of said

one program from its beginning as taught by McElhatten for the benefit of enabling the

display of a selected program from its beginning although the selected program is not

reserved (McElhatten: Col. 15, lines 63-65).

As for Claim 41, Williams and Kaminski fail to disclose providing a signal on said

program presentation apparatus to said user in response to the determination that the

user started watching the program to indicate to the user that the user can select to

watch said program from its beginning.

In an analogous art, McElhatten discloses providing a signal (i.e., Network

Options GUI 3601) on said program presentation apparatus (158-1 – fig. 1) to said user

in response to the determination that the user started watching the program to indicate

to the user that the user can select to watch said program from its beginning (i.e., GUI

3601 presents users with the option of restarting the currently viewed program) (Col. 35,

line 61 to Col. 36, line 12). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Williams and Kaminski to include

providing a signal on said program presentation apparatus to said user in response to

the determination that the user started watching the program to indicate to the user that

the user can select to watch said program from its beginning as taught by McElhatten

for the benefit of enabling the display of a selected program from its beginning although

the selected program is not reserved (McElhatten: Col. 15, lines 63-65).

As for Claim 42, Williams, Kaminski, and McElhatten disclose, in particular

McElhatten teaches receiving a command from the user in response to said signal and

starting to present said program on said program presentation apparatus in response to

said command (Col. 35, line 61 to Col. 36, line 12).

24.   Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kaminski in view of Marsh.

As for Claim 45, Kaminski fails to disclose wherein said program is presented to

the viewer from its beginning automatically.

In an analogous art, Marsh discloses wherein said program is presented to the

viewer from its beginning automatically (Col. 6, lines 56-66). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Kaminski to include wherein said program is presented to the viewer from its beginning automatically as taught by Marsh for the benefit of providing a more intelligent and more robust method for recording television programs.

25.   Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminski in view of McElhatten.

As for Claim 46, Kaminski fails to disclose detecting that a watcher has activated the respective program presentation device, further comprising presenting the user with the choice of continuing to watch the program in program and rewinding the program to its beginning.

In an analogous art, McElhatten discloses detecting that a watcher has activated the respective program presentation device, further comprising presenting the user with the choice of continuing to watch the program in program and rewinding the program to its beginning (i.e., a user is presented with the option to restart or the user can continue to watch from the current point) (Col. 35, line 61 to Col. 36, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaminski to include detecting that a watcher has activated the respective program presentation device, further comprising presenting the user with the choice of continuing to watch the program in program and rewinding the program to its beginning as taught by McElhatten for the benefit of enabling the display of a selected program from its beginning although the selected program is not reserved (McElhatten: Col. 15, lines 63-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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